WA 374/2007
BEFORE
HON'BLE THE CHIEF JUSTICE MR.J.CHELAMESWAR
HON'BLE MR. JUSTICE A. POTSANGBAM

This case has a long and chequered history.
Aggrieved by judgment in WP(C) 4274/2007 dated 24.08.2007, Respondents 5 to 47 t herein, filed the present appeal. It appears from the record that on 10.10.2002 the Executive Committee of Karbi Anglong Autonomous Council (for short Council) passed a Resolution to fill up the vacant posts in Education Department on ad hoc basis. Further details of the Resolution may not be necessary for the presen t purpose.
Pursuant to the said Resolution, the appellants herein initially appointed for a period of four months and their services were being extended from time to time. The last such extension came to an end in the month of February,2002.
Some of the teachers, who were appointed on adhoc basis as indicated earlier, ap proached this Court through various writ petitions. By an interim direction date d 17.5.2002, in two writ petitions, namely, WP(C) Nos.3141/2002 and 3192/2002, t his court directed not to replace the petitioners therein by any such adhoc empl oyees and also further directed that the writ petitioners therein be paid their salaries. On 17.5.2002, the Executive Committee of the abovementioned Council de cided to supersede the earlier Resolution and initiated regular recruitment proc ess.
Such a decision once again came to be challenged in another writ petition, namel y, WP(C) 3514/2002. By an interim order dated 28.5.2006, this Court directed tha t until the selection process is completed and regular appointments were made, t he petitioners, who are appointed on adhoc basis shall be allowed to continue.
Pursuant to the Resolution dated 17.5.2002, the Council issued an advertisement dated 9.9.2002 inviting applications from eligible candidates for filling up of the posts of teachers. It is also provided that the persons already working on a dhoc basis are also entitled to apply. It appears that the appellants herein als o applied in response to the abovementioned advertisement, participated in the w ritten examination and also claims to have appeared in the viva voce test conduc ted for the recruitment of teachers. Eventually, on 27.3.2003, WP(C) 3141/2002 a nd WP(C) 3192/2002 came to be disposed of by this Court with certain observation s. One of such observations are that the services of the writ petitioners render ed on adhoc basis be given some weightage while considering their applications f or regular appointment pursuant to the advertisement referred to above.
Aggrieved by the disposal of the writ petition, the writ petitioners carried the matter in WA 303/2003. Eventually, the said appeal came to be dismissed on 1.11 .2006 along with certain other matters.
On 1.2.2003 written examination was held. A list of candidates, who are found s uccessful in the written examination and eligible for appearing in the viva voce test was published on 30.6.2003. Some of the candidates, who could not succeed in the written examination, approached this Court by filing writ petitions, name ly, WP(C) Nos.5178/03, 6198/03 & 5995/03. The abovementioned writ petitions were dismissed by a common judgment dated 18.2.2004.
The unsuccessful writ petitioners carried the matter in WA 123/2004, which came to be dismissed by a common judgment on 1.11.2006.
On 29.3.2007, the Deputy Secretary, Education (Higher) Department of the aboveme ntioned Council issued proceeding purporting to appoint 43 persons as teachers - 18 persons as teachers of ME Schools and 25 persons as teachers of the High Sch ool. Two appellants herein are among the 25 persons appointed as teachers in the High School by the abovementioned proceedings. Their names figured at Sl. No.39 and 43 of the aforementioned list.
Challenging the appointment made by virtue of the abovementioned order dated 29. 3.2007, once again, a batch of writ petitions numbering three came to be filed i n this Court. These three writ petitions came to be disposed of by a common judg ment and order dated 24.8.2007 (judgment under appeal).

Learned Judge recorded a finding that the selection process initiated by virtue of the advertisement dated 9.9.2002 is not yet completed and therefore, the orders dated 29.3.2007 and 31.3.2007 by which the persons came to be appointed along with others were illegal as the appointments are not made by making proper assessment of the relative merits of the competing candidates, who responded the advertisement dated 9.9.2002. The Deputy Secretary, who issued the abovementioned proceedings, misunderstood the various directions issued by this Court and resorted to issuance of the proceedings impugned in the writ petitions. It is not the directions of this Court at any point of time in any of the writ petitions either the appellants herein or the persons, who are similarly situated with the appellants, are automatically entitled to get regular appointment. All that is directed by this Court is that if it is found that excellent services rendered by the persons though on adhoc basis, such services be given weightage provided all things are equal in response to the advertisement dated 9.9.2002. The fact that some or all of them who are working on adhoc basis rendered excellent performance is not the only factor by itself, which justifies the appointment. It is an additional factor, which could be taken into consideration on examination of the relevant merits of all the candidates, who responded to the advertisement.

In the circumstances, the direction of this Court was that if all other things are equal, those candidates, who are working as teachers under the abovementioned Council on adhoc basis and also rendered excellent performance be given some weightage. Unfortunately, the Deputy Secretary misconstrued the direction and straightway resorted to the issuance of the appointment orders in favour of the teachers, who rendered services on adhoc basis under the abovementioned Council and also qualified in the selection process pursuant to the advertisement dated 9.9.2002. The relative merits of such candidates and the remaining candidates are never assessed. It is not the direction of this Court that those who have rendered excellent services though on adhoc basis are automatically entitled to get regular appointment, but assessment of their performance is also required to be made. Record does not demonstrate that such an exercise was carried out by the authority.

In the circumstances, we do not see any reason to interfere with the judgment under appeal.

Writ appeal is dismissed at the admission stage.